

**No. 59**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Wednesday, June 23, 2004.

1:00 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—excused
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present			

e/d/s = entered during session

Rep. Alexander C. Lipsey, from the 60th District, offered the following invocation:

“Dear Lord, we thank You for this glorious day, for the opportunity to do Your will, and to come together to make Michigan a better place for all of its citizens. Help us to remember, the most important thing that we do is to listen to one another and to express ourselves to Your glory. Help us to remember, that although we make tough decisions in this Chamber, the results of those decisions may mean even tougher decisions for our fellow citizens—not only here, but in the fields of Afghanistan and Iraq. Bless each of us, as we deliberate on the business of our people, and help us to find our way to You. We ask this in the name of Your Son, Amen.”

Rep. Waters moved that Rep. Stallworth be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 6004, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 21 (MCL 78.21), as amended by 2003 PA 304.

The bill was read a second time.

Rep. Palmer moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 6004, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 21 (MCL 78.21), as amended by 2003 PA 304.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 537

#### Yeas—108

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O’Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Phillips	Walker

Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Reeves	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrar	Lipsey	Shackleton	Zelenko

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### Senate Bill No. 1167, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding section 5b.

The bill was read a second time.

Rep. Julian moved to amend the bill as follows:

1. Amend page 19, line 1, after the second “**fee**” by inserting “**within 90 days of the date the individual reports under section 4a or 5a**”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Julian moved to amend the bill as follows:

1. Amend page 19, following line 17, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 4920.
- (b) House Bill No. 5195.
- (c) House Bill No. 5240.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Julian moved to amend the bill as follows:

1. Amend page 4, line 22, after “changes” by striking out the balance of the line through “**fee**” on line 23.
2. Amend page 8, line 3, after “**section 7(1)**” by striking out the balance of the line through “**applicable,**” on line 4.
3. Amend page 8, line 19, after “**section 7(1)**” by striking out the balance of the subsection and inserting a period.
4. Amend page 8, line 27, after “**section 7(1)**” by striking out the balance of the sentence and inserting a period.
5. Amend page 12, line 19, by striking out all of subsection (7) and renumbering the remaining subsections.
6. Amend page 14, line 12, after “**subsection**” by striking out “(3)” and inserting “(2)”.
7. Amend page 14, line 15, by striking out all of subsection (2) and renumbering the remaining subsections.
8. Amend page 14, line 25, after the first “**fee**” by striking out “**and the change of data fee**”.
9. Amend page 15, line 6, after “**fee**” by striking out the balance of the line through “**fee**” on line 7.
10. Amend page 15, line 8, after the first “**fee**” by striking out the balance of the line through “**fee**” on line 9.

11. Amend page 15, line 14, after the first “**fee**” by striking out the balance of the line.
12. Amend page 15, line 17, after the first “**fee**” by striking out “**or change of data fee**”.
13. Amend page 18, line 18, after “**section 5a(6)**” by striking out “**or (7)**”.
14. Amend page 18, line 26, after “**section 7(1)**” by striking out the balance of the line through the second “**fee**” on line 1 of page 19.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Kolb moved to amend the bill as follows:

1. Amend page 15, following line 23, by inserting:

“**Sec. 5c. The department of corrections shall not collect any fee prescribed under this act.**”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 1167, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding section 5b.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 538

Yeas—107

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gielegem	Meyer	Sheltrown
Adamini	Gillard	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Mortimer	Stakoe
Bradstreet	Hood	Murphy	Steil
Brandenburg	Hoogendyk	Newell	Stewart
Brown	Hopgood	Nitz	Tabor
Byrum	Howell	Nofs	Taub
Casperson	Huizenga	O’Neil	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Jamnick	Pastor	Voorhees
Condino	Johnson, Rick	Phillips	Walker
Daniels	Johnson, Ruth	Plakas	Ward
Dennis	Julian	Pumford	Waters
DeRoche	Koetje	Reeves	Wenke
DeRossett	Kolb	Richardville	Whitmer
Drolet	Kooiman	Rivet	Williams
Ehardt	LaJoy	Robertson	Wojno
Elkins	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko
Gaffney	McConico	Shaffer	

**Nays—1**

Emmons

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe penalties and sanctions," by amending the title and sections 4, 4a, 5a, 7, and 9 (MCL 28.724, 28.724a, 28.725a, 28.727, and 28.729), section 4 as amended by 1999 PA 85 and section 4a as added and sections 5a, 7, and 9 as amended by 2002 PA 542, and by adding sections 5b and 5c.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**Second Reading of Bills****House Bill No. 4213, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 626 (MCL 380.626).

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Caswell moved to amend the bill as follows:

1. Amend page 2, line 21, after "**vote.**" by inserting "**However, if 1 of the affected intermediate school boards has more members than the other affected intermediate school board, the intermediate school board that has more members shall be represented at the joint meeting by the same number of members as the number of members on the intermediate school board that has fewer members.**".

2. Amend page 2, line 23, after "**final.**" by striking out "**However, a**" and inserting:

"**(4) A**"

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Caswell moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 4213, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 626 (MCL 380.626).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 539****Yeas—108**

Accavitti  
Acciavatti  
Adamini

Gaffney  
Garfield  
Gielegghem

McConico  
Meisner  
Meyer

Shaffer  
Sheen  
Sheltrown

Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Phillips	Walker
Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Reeves	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**Second Reading of Bills****House Bill No. 5974, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 2004 PA 23.

The bill was read a second time.

Rep. Accavitti moved to amend the bill as follows:

1. Amend page 4, line 3, after "businesses" by inserting "**or farm operations, if applicable,**".
2. Amend page 5, line 3, by striking out all of subdivision (y), and relettering the remaining subdivision.

The question being on the adoption of the amendments offered by Rep. Accavitti,

Rep. Accavitti demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Accavitti,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 540****Yeas—44**

Accavitti	Elkins	Law	Sheltrown
Adamini	Farrah	Lipsey	Smith
Anderson	Gielegem	Meisner	Spade

Bieda	Gillard	Minore	Tobocman
Brown	Gleason	Murphy	Vagnozzi
Byrum	Hardman	O'Neil	Waters
Cheeks	Hood	Phillips	Whitmer
Clack	Hopgood	Plakas	Williams
Condino	Hunter	Reeves	Wojno
Daniels	Jamnick	Rivet	Woodward
Dennis	Kolb	Sak	Zelenko

**Nays—63**

Acciavatti	Hager	Milosch	Sheen
Amos	Hart	Moolenaar	Shulman
Bisbee	Hoogendyk	Mortimer	Stahl
Bradstreet	Howell	Newell	Stakoe
Brandenburg	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Stewart
Caswell	Hune	Palmer	Tabor
Caul	Johnson, Rick	Palsrok	Taub
DeRoche	Johnson, Ruth	Pappageorge	Van Regenmorter
DeRossett	Julian	Pastor	Vander Veen
Drolet	Koetje	Pumford	Voorhees
Ehardt	Kooiman	Richardville	Walker
Emmons	LaJoy	Robertson	Ward
Farhat	LaSata	Rocca	Wenke
Gaffney	Meyer	Shackleton	Woronchak
Garfield	Middaugh	Shaffer	

In The Chair: Julian

Rep. Casperson moved to amend the bill as follows:

1. Amend page 5, following line 4, by inserting:

“(z) **An estimate of the impact of the rules upon private property rights.**” and relettering the remaining subdivision.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Farhat moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 5974, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 45 (MCL 24.245), as amended by 2004 PA 23.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 541****Yeas—77**

Acciavatti	Garfield	Middaugh	Sheen
Adamini	Gillard	Milosch	Sheltrown
Amos	Gleason	Moolenaar	Shulman
Bisbee	Hager	Mortimer	Spade
Bradstreet	Hart	Newell	Stahl

Brandenburg	Hoogendyk	Nitz	Stakoe
Brown	Howell	Nofs	Steil
Byrum	Huizenga	Palmer	Stewart
Casperson	Hummel	Palsrok	Tabor
Caswell	Hune	Pappageorge	Taub
Caul	Johnson, Rick	Pastor	Van Regenmorter
Dennis	Johnson, Ruth	Pumford	Vander Veen
DeRoche	Julian	Richardville	Voorhees
DeRossett	Koetje	Rivet	Walker
Drolet	Kooiman	Robertson	Ward
Ehardt	LaJoy	Rocca	Wenke
Elkins	LaSata	Sak	Williams
Emmons	Law	Shackleton	Woronchak
Farhat	Meyer	Shaffer	Zelenko
Gaffney			

### Nays—31

Accavitti	Gielegem	McConico	Smith
Anderson	Hardman	Meisner	Tobocman
Bieda	Hood	Minore	Vagnozzi
Cheeks	Hopgood	Murphy	Waters
Clack	Hunter	O'Neil	Whitmer
Condino	Jamnick	Phillips	Wojno
Daniels	Kolb	Plakas	Woodward
Farrah	Lipsey	Reeves	

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Vagnozzi, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted against HB 5974 because it imposed additional and unneeded regulations on farm operation.”

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 5974 because during the committee testimony on this bill, the Department of Agriculture stated that since the enactment of the Right to Farm Act in 1981, some twenty three years ago, there never has been a complaint that Administrative Rules process has neglected to look at impacts on agriculture. Moreover, the bill sponsor stated in Committee that he could not provide a single example where this has been a problem. So apparently this is a solution in search of a problem. The Farm Bureau testified that they fear that when agencies prepare administrative rule impact reviews on business they do not consider farming to be a business. I disagree. Departments already do twenty-five extensive impact assessments on all proposed administrative rules.

For example, there is no need to do a specific Right to Farm impact analysis on Liquor Control rules, or on Lottery Rules, or Chiropractic rules, or even Physician Assistant’s rules. What this bill does in its present form is exactly what many of us here, and what the general public believes to be the problem with government. It makes it more



cumbersome; it creates more unnecessary red tape, slows down the process and just makes more papers to push. An amendment was offered by my good colleague from Eastpointe that would have addressed these concerns, unfortunately, the amendment was not adopted.

House Bill 5974 does not promote smaller government, less red tape and less bureaucratic paper pushing; which is what we have been trying to do with numerous other bills on the floor today. Therefore, I voted no on House Bill 5974.”

Rep. Phillips, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 5974 because during testimony on this bill in the House Agriculture Committee, the Department of Agriculture stated that since the enactment of the Right to Farm Act in 1981, some twenty three years ago, there never has been a complaint that the Administrative Rules process has neglected to look at impacts on agriculture. Furthermore, the bill sponsor stated in Committee that he could not provide a single example where this has been a problem. So apparently this is a solution in search of a problem.

The Farm Bureau testified that they fear that when agencies prepare administrative rule impact reviews on business they do not consider farming to be a business. I disagree. Departments already do twenty-five extensive impact assessments on all proposed administrative rules.

There simply is no need to do a specific Right to Farm impact analysis on Liquor Control rules.

There is no need to do a Right to Farm impact analysis on Lottery rules.

There is no need to do a Right to Farm impact analysis on Chiropractic rules.

There is no need to do a Right to Farm impact analysis on Physician Assistant’s rules.

What this bill does in its present form is exactly what many of us here, and what the general public believes to be the problem with government. It makes it more cumbersome; it creates more unnecessary red tape, slows down the process and just makes more papers to push.

This bill does not promote smaller government, less red tape and less bureaucratic paper pushing; which is what we have been trying to do with numerous other bills on the floor today.”

## Second Reading of Bills

### House Bill No. 5471, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending the title and sections 1, 2, 3, 4, 5, 6, 6a, 7, 7a, 7b, and 11 (MCL 722.21, 722.22, 722.23, 722.24, 722.25, 722.26, 722.26a, 722.27, 722.27a, 722.27b, and 722.31), the title and sections 7a and 7b as amended by 1996 PA 19, section 2 as amended by 2002 PA 9, sections 3, 5, and 6 as amended by 1993 PA 259, section 4 as amended by 1998 PA 482, section 7 as amended by 2001 PA 108, section 6a as added by 1980 PA 434, and section 11 as added by 2000 PA 422, and by adding sections 12, 13, 14, 15, 16, 17, 18, and 19.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Judiciary,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Koetje moved to amend the bill as follows:

1. Amend page 3, line 9, after “**court**” by striking out the balance of the sentence and inserting “**to the parents of the minor child.**”.

2. Amend page 3, line 18, after “**child**” by striking out the balance of the sentence and inserting a period.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Moolenaar moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

## Third Reading of Bills

### House Bill No. 5471, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending the title and sections 1, 2, 3, 4, 5, 6, 6a, 7, 7a, 7b, and 11 (MCL 722.21, 722.22, 722.23, 722.24, 722.25, 722.26, 722.26a, 722.27, 722.27a, 722.27b, and

722.31), the title and sections 7a and 7b as amended by 1996 PA 19, section 2 as amended by 2002 PA 9, sections 3, 5, and 6 as amended by 1993 PA 259, section 4 as amended by 1998 PA 482, section 7 as amended by 2001 PA 108, section 6a as added by 1980 PA 434, and section 11 as added by 2000 PA 422, and by adding sections 12, 13, 14, 15, 16, 17, 18, and 19.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 542****Yeas—108**

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Phillips	Walker
Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Reeves	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

**Nays—0**

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 4 and 7a (MCL 722.24 and 722.27a), section 4 as amended by 1998 PA 482 and section 7a as amended by 1996 PA 19.

The motion prevailed.

The House agreed to the title as amended.

**Second Reading of Bills****House Bill No. 5969, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 15 and 17 (MCL 257.1815 and 257.1817), section 17 as amended by 2000 PA 49.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Transportation,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Voorhees moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Voorhees moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Kooiman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5969, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 15 and 17 (MCL 257.1815 and 257.1817), section 17 as amended by 2000 PA 49.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 543

#### Yeas—108

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Phillips	Walker
Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Reeves	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak
Farrah	Lipsey	Shackleton	Zelenko

#### Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 15, 17, 19, and 55 (MCL 257.1815, 257.1817, 257.1819, and 257.1855), sections 17, 19, and 55 as amended by 2000 PA 49.

The motion prevailed.

The House agreed to the title as amended.  
 Rep. Richardville moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### House Bill No. 5888, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 4 (MCL 492.104) and by adding section 6a.

The bill was read a second time.

Rep. LaJoy moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. LaJoy moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5888, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 4 (MCL 492.104) and by adding section 6a.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 544

#### Yeas—108

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegthem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Bradstreet	Hart	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Phillips	Walker
Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Reeves	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward

Farhat  
Farrah

Law  
Lipsey

Sak  
Shackleton

Woronchak  
Zelenko

### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.  
Rep. Richardville moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Vander Veen to the Chair.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House  
**House Bill No. 5632, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 12 (MCL 205.427 and 205.432), as amended by 2002 PA 503.

(The bill was received from the Senate on June 22, with substitute (S-11), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 58, p. 1402.)

The question being on concurring in the substitute (S-11) made to the bill by the Senate,

Rep. Rick Johnson moved to amend the Senate substitute (S-11) as follows:

1. Amend page 7, line 21, after "MCL 333.5953." by inserting "**Fifty percent of the proceeds described in this subdivision that are used for smoking prevention programs shall be used by the department of community health to expand the free smokers quit kit program to include the nicotine patch or nicotine gum.**"

2. Amend page 8, line 13, after "MCL 333.5953." by inserting "**Fifty percent of the proceeds described in this subdivision that are used for smoking prevention programs shall be used by the department of community health to expand the free smokers quit kit program to include the nicotine patch or nicotine gum.**"

3. Amend page 9, line 2, after "MCL 333.5953." by inserting "**Fifty percent of the proceeds described in this subdivision that are used for smoking prevention programs shall be used by the department of community health to expand the free smokers quit kit program to include the nicotine patch or nicotine gum.**"

4. Amend page 9, line 18, after "MCL 333.5953." by inserting "**Fifty percent of the proceeds described in this subdivision that are used for smoking prevention programs shall be used by the department of community health to expand the free smokers quit kit program to include the nicotine patch or nicotine gum.**"

5. Amend page 10, line 5, after "MCL 333.5953." by inserting "**Fifty percent of the proceeds described in this subdivision that are used for smoking prevention programs shall be used by the department of community health to expand the free smokers quit kit program to include the nicotine patch or nicotine gum.**"

The question being on the adoption of the amendments offered by Rep. Rick Johnson,

Rep. Rick Johnson demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Rick Johnson,

The amendments were adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 545

### Yeas—103

Accavitti  
Acciavatti

Gaffney  
Gielegem

Meyer  
Middaugh

Sheltrown  
Shulman

Adamini	Gillard	Milosch	Smith
Amos	Gleason	Minore	Spade
Anderson	Hager	Moolenaar	Stahl
Bieda	Hardman	Murphy	Stakoe
Bisbee	Hart	Newell	Steil
Bradstreet	Hood	Nitz	Stewart
Brandenburg	Hoogendyk	Nofs	Tabor
Brown	Hopgood	O'Neil	Taub
Byrum	Howell	Palmer	Tobocman
Casperson	Huizenga	Palsrok	Vagnozzi
Caswell	Hummel	Pappageorge	Van Regenmorter
Cheeks	Hune	Pastor	Vander Veen
Clack	Hunter	Phillips	Voorhees
Condino	Jamnick	Plakas	Walker
Daniels	Johnson, Rick	Pumford	Ward
Dennis	Julian	Reeves	Waters
DeRoche	Koetje	Richardville	Wenke
DeRossett	Kolb	Rivet	Whitmer
Drolet	Kooiman	Robertson	Williams
Ehardt	LaJoy	Rocca	Wojno
Elkins	Law	Sak	Woodward
Emmons	Lipsey	Shackleton	Woronchak
Farhat	McConico	Shaffer	Zelenko
Farrah	Meisner	Sheen	

**Nays—4**

Caul	Garfield	Johnson, Ruth	LaSata
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In The Chair: Vander Veen

The Speaker Pro Tempore resumed the Chair.

The question being on concurring in the substitute (S-11) made to the bill by the Senate,

Rep. Hager moved to amend the Senate substitute (S-11) as follows:

1. Amend page 2, line 2, after “**2004**” by inserting “**and through June 30, 2007**”.
2. Amend page 2, line 6, after “**2004**” by inserting “**and after June 30, 2007**”.
3. Amend page 2, line 8, after “**2004**” by inserting “**and through June 30, 2007**”.

The question being on the adoption of the amendments offered by Rep. Hager,

Rep. Hager demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Hager,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 546****Yeas—53**

Acciavatti	Hoogendyk	Mortimer	Stahl
Amos	Huizenga	Newell	Stakoe

Bisbee	Hummel	Nitz	Steil
Bradstreet	Hune	Nofs	Stewart
Brandenburg	Hunter	Palmer	Taub
Casperson	Johnson, Ruth	Palsrok	Van Regenmorter
Caswell	Koetje	Pappageorge	Vander Veen
DeRoche	Kooiman	Pastor	Voorhees
DeRossett	LaJoy	Richardville	Walker
Drolet	Meyer	Robertson	Ward
Ehardt	Middaugh	Rocca	Wenke
Emmons	Milosch	Shaffer	Woodward
Garfield	Moolenaar	Sheen	Woronchak
Hager			

**Nays—51**

Accavitti	Gaffney	Law	Sheltrown
Adamini	Gillard	Lipsey	Shulman
Anderson	Gleason	McConico	Smith
Bieda	Hardman	Meisner	Spade
Byrum	Hart	Minore	Tabor
Caul	Hood	Murphy	Tobocman
Cheeks	Hopgood	O'Neil	Vagnozzi
Clack	Howell	Phillips	Waters
Condino	Jamnick	Plakas	Whitmer
Daniels	Johnson, Rick	Pumford	Williams
Dennis	Julian	Reeves	Wojno
Farhat	Kolb	Sak	Zelenko
Farrah	LaSata	Shackleton	

In The Chair: Julian

The question being on concurring in the substitute (S-11) made to the bill by the Senate,

The substitute (S-11), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 547****Yeas—55**

Accavitti	Gielegem	Lipsey	Shackleton
Adamini	Gillard	McConico	Sheltrown
Anderson	Gleason	Meisner	Shulman
Bieda	Hardman	Minore	Tabor
Brown	Hart	Murphy	Tobocman
Byrum	Hood	Newell	Vagnozzi
Casperson	Hopgood	O'Neil	Walker
Cheeks	Hunter	Phillips	Waters
Clack	Jamnick	Plakas	Whitmer
Condino	Johnson, Rick	Pumford	Williams
Daniels	Julian	Reeves	Wojno
Dennis	Kolb	Richardville	Woodward
Emmons	Kooiman	Rivet	Zelenko
Farrah	Law	Sak	

**Nays—52**

Acciavatti	Gaffney	Middaugh	Sheen
Amos	Garfield	Milosch	Spade
Bisbee	Hager	Moolenaar	Stahl
Bradstreet	Hoogendyk	Mortimer	Stakoe
Brandenburg	Howell	Nitz	Steil
Caswell	Huizenga	Nofs	Stewart
Caul	Hummel	Palmer	Taub
DeRoche	Hune	Palsrok	Van Regenmorter
DeRossett	Johnson, Ruth	Pappageorge	Vander Veen
Drolet	Koetje	Pastor	Voorhees
Ehardt	LaJoy	Robertson	Ward
Elkins	LaSata	Rocca	Wenke
Farhat	Meyer	Shaffer	Woronchak

In The Chair: Julian

The House agreed to the full title of the bill.

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Committee on Tax Policy, by Rep. Wenke, Chair, reported  
**House Bill No. 5929, entitled**

A bill to amend 1917 PA 156, entitled “An act authorizing cities, villages, counties, townships and school districts to operate systems of public recreation and playgrounds,” by amending section 2 (MCL 123.52).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Nofs and Stakoe

Nays: Reps. Milosch, Farrah, Bieda, Zelenko and Condino

The Committee on Tax Policy, by Rep. Wenke, Chair, reported  
**House Bill No. 5958, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 37g.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O’Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported  
**House Bill No. 5959, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4bb.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.



## Favorable Roll Call

## To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 5960, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4y.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 6025, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7hh.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 6026, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported

**House Bill No. 6027, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37h.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, June 23, 2004

Present: Reps. Wenke, Sheen, Koetje, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Farrah, Bieda, Zelenko and Condino

Absent: Reps. Woronchak and Minore

Excused: Reps. Woronchak and Minore

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

**House Bill No. 5914, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40116 (MCL 324.40116), as amended by 1996 PA 154.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Chair, of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, June 23, 2004

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard, Farrah, Sheltroun and Accavitti

The Committee on Commerce, by Rep. Bisbee, Chair, reported

**House Bill No. 5987, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. DeRoche, Drolet, Palmer, Hune, Milosch, Rivet, O'Neil, McConico, Murphy and Accavitti

Nays: Reps. Howell, Koetje, Middaugh, Huizenga, Palsrok, Wenke and Tobocman

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bisbee, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Wednesday, June 23, 2004

Present: Reps. Bisbee, DeRoche, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Lipsey, Murphy, Tobocman and Accavitti

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palmer, Chair, of the Committee on Education, was received and read:

Meeting held on: Tuesday, June 22, 2004

Present: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Absent: Rep. Gielegem

Excused: Rep. Gielegem

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, June 23, 2004

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood and Murphy

Absent: Reps. LaSata, Daniels and Stallworth

Excused: Reps. LaSata, Daniels and Stallworth

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, June 23:

**House Bill Nos. 6031 6032 6033 6034 6035 6036 6037 6038 6039**

**Senate Bill Nos. 1310 1311 1312 1313 1314 1315 1316**

The Clerk announced that the following Senate bills had been received on Wednesday, June 23:

**Senate Bill Nos. 1120 1123 1124 1171 1278 1279 1280 1281 1297**

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 4710, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 311 (MCL 206.311), as amended by 1987 PA 254.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 4769, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115b, 115f, 115g, and 117e (MCL 400.115b, 400.115f, 400.115g, and 400.117e), section 115b as amended by 1998 PA 516, sections 115f and 115g as amended by 2002 PA 648, and section 117e as amended by 1983 PA 222.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 5492, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 514a.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 5808, entitled**

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 (MCL 460.562, 460.563, 460.564, 460.565, 460.566, 460.567, 460.568, 460.569, 460.570, 460.571, 460.573, and 460.575).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 4013, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4062, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21799a (MCL 333.21799a).

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 21799a (MCL 333.21799a), as amended by 2003 PA 3.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4232, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2002 PA 725.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4768, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 2 (MCL 722.712), as amended by 1998 PA 113.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4770, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2002 PA 564, and by adding section 6a.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1971 PA 174, entitled "An act to create the office of child support; and to prescribe certain powers and duties of the office, certain public and private agencies, and certain employers and former employers," (MCL 400.231 to 400.240) by adding section 6a.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4771, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 2002 PA 605.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2529 (MCL 600.2529), as amended by 2003 PA 178.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4772, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 7, 13, 27, and 35 (MCL 552.607, 552.613, 552.627, and 552.635), section 7 as amended by 2002 PA 572, section 13 as amended by 1998 PA 334, section 27 as amended by 2001 PA 106, and section 35 as amended by 2002 PA 567.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 7, 13, 27, 33, 35, and 42a (MCL 552.607, 552.613, 552.627, 552.633, 552.635, and 552.642a), section 7 as amended by 2002 PA 572, section 13 as amended by 1998 PA 334, section 27 as amended by 2001 PA 106, sections 33 and 35 as amended by 2002 PA 567, and section 42a as added by 2002 PA 568.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4773, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 17, 17b, and 19 (MCL 552.517, 552.517b, and 552.519), sections 17 and 17b as amended by 2002 PA 571 and section 19 as amended by 2002 PA 569.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4774, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2 and 3a (MCL 552.602 and 552.603a), as amended by 2002 PA 572, and by adding section 3d.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the provisions and enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody and support, and spousal support; to prescribe and authorize certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 2 and 3a (MCL 552.602 and 552.603a), section 2 as amended by 2002 PA 572 and section 3a as amended by 2003 PA 276, and by adding section 3d.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4775, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 7 (MCL 722.717), as amended by 2001 PA 109.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4776, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 7, and 19 (MCL 552.502, 552.507, and 552.519), section 2 as amended by 2002 PA 571, section 7 as amended by 1996 PA 144, and section 19 as amended by 2002 PA 569, and by adding section 7a.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," by amending sections 2, 2a, 3, 4, 4a, 7, and 9 (MCL 552.502, 552.502a, 552.503, 552.504, 552.504a, 552.507, and 552.509), sections 2, 2a, and 9 as amended by 2002 PA 571, section 3 as amended by 1996 PA 365, sections 4 and 4a as added by 1996 PA 366, and section 7 as amended by 1996 PA 144, and by adding section 7a.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4792, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 5e.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4930, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 515 (MCL 436.1515).

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5094, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 613a (MCL 257.613a).

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5232, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920, 20921, and 20923 (MCL 333.20920, 333.20921, and 333.20923), as amended by 2000 PA 375.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16181, 20910, 20920, 20921, and 20923 (MCL 333.16181, 333.20910, 333.20920, 333.20921, and 333.20923), section 16181 as amended by 2000 PA 256 and sections 20910, 20920, 20921, and 20923 as amended by 2000 PA 375.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5243, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as added by 2003 PA 266.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5807, entitled**

A bill to amend 1923 PA 238, entitled "An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein," by amending section 3 (MCL 486.253) and by adding section 5.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Concurrent Resolution No. 49.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Washtenaw Community College relative to the Washtenaw Community College Plumbers and Pipefitters Building.

(For text of concurrent resolution, see House Journal No. 28, p. 575.)

The Senate has adopted the concurrent resolution and named Senators Barcia, Basham, Brater, Clarke, Jacobs and Schauer as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**Senate Bill No. 1120, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Mason county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

**Senate Bill No. 1123, entitled**

A bill to authorize the state administrative board to convey or transfer certain parcels of state owned property in Barry county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

**Senate Bill No. 1124, entitled**

A bill to authorize the state administrative board to convey or transfer certain state owned property in Alpena county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

**Senate Bill No. 1171, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8901, 8904, and 8905a (MCL 324.8901, 324.8904, and 324.8905a), section 8904 as amended and section 8905a as added by 1998 PA 15.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Land Use and Environment.

**Senate Bill No. 1278, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80101 (MCL 324.80101), as added by 1995 PA 58, and by adding section 80108a; and to repeal acts and parts of acts.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Great Lakes and Tourism.

**Senate Bill No. 1279, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Conservation and Outdoor Recreation.

**Senate Bill No. 1280, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74101 (MCL 324.74101), as added by 1995 PA 58, and by adding section 74102a.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Conservation and Outdoor Recreation.



**Senate Bill No. 1281, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74124.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Conservation and Outdoor Recreation.

**Senate Bill No. 1297, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in various counties; to prescribe conditions for the conveyances; to provide for the disposal of certain buildings; to provide for certain powers and duties of certain state departments in regard to the parcels of property; to provide for disposition of revenue derived from the conveyances; and to repeal acts and parts of acts.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

**Messages from the Governor**

Date: June 23, 2004

Time: 1:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5008 (Public Act No. 163, I.E.), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 226 and 802 (MCL 257.226 and 257.802), as amended by 2003 PA 152.

(Filed with the Secretary of State June 23, 2004, at 1:42 p.m.)

The following message from the Governor was received June 22, 2004 and read:

**EXECUTIVE ORDER**

**No. 2004 - 32**

**LIEUTENANT GOVERNOR'S COMMISSION ON  
HIGHER EDUCATION AND ECONOMIC GROWTH****EXECUTIVE OFFICE OF THE GOVERNOR**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes;

WHEREAS, under Section 1 of 1931 PA 195, MCL 10.51 the Governor may, at such times and for such purposes as the Governor deems necessary or advisable, create special advisory bodies consisting of as many members as the Governor deems appropriate;

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that she considers necessary or desirable;

WHEREAS, under Section 25 of Article V of the Michigan Constitution of 1963, the Lieutenant Governor may perform those duties requested by the Governor;

WHEREAS, the skill and determination of Michigan's workforce established our state as a world-renowned center of manufacturing in the 20th century and created the high quality of life we continue to enjoy today;

WHEREAS, both Michigan's core manufacturing industries and the new technology-based enterprises we seek to grow in the 21st century demand the talents of an increasingly educated workforce;

WHEREAS, two-thirds of the jobs that will be created in the next decade will require post-secondary education and training;

WHEREAS, Michigan now falls below the national average in critical measures of educational attainment and, in the case of the number of our citizens who have attained bachelor's degrees, our state is far behind states that are leaders in the race for economic development and jobs;

WHEREAS, ninety percent of our students express the desire to go to college as they enter high school, but only forty-one percent attend college four years later and only eighteen percent have attained bachelor's degrees six years after enrolling;

WHEREAS, those earning bachelor's degrees can be expected to earn sixty percent more than those with high school diplomas while those with associate's degrees earn twenty-five percent more than high school graduates;

WHEREAS, the businesses we hope to attract to Michigan cite the availability of a skilled workforce as a chief factor in determining where to make job-creating investments;

WHEREAS, Michigan businesses have identified a future shortage of skilled workers as a major impediment to economic growth and the prosperity it creates;

WHEREAS, other states and other nations have made great strides in increasing both the availability of higher education to their citizens and in strengthening the link between higher education and economic development;

WHEREAS, Michigan cannot hope to maintain its economic vitality and the quality of life of its residents without making a dramatic increase in the number of our citizens who attain degrees and other credentials that link them to economic opportunity;

WHEREAS, the people of Michigan have created institutions of higher learning, including state universities and community colleges, to open the doors of educational opportunity to all;

WHEREAS, that opportunity must include the ability to earn degrees and other credentials linked to success in our knowledge-based economy; and

WHEREAS, we must act now to help the citizens of Michigan attain the post-secondary education they desire and that our economy demands.

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. ESTABLISHMENT OF LIEUTENANT GOVERNOR'S COMMISSION ON HIGHER EDUCATION AND ECONOMIC GROWTH**

A. The Lieutenant Governor's Commission on Higher Education and Economic Growth (the "Commission") is created as an advisory body within the Executive Office of the Governor.

B. The Commission shall consist of Lieutenant Governor John D. Cherry, Jr., as chair and 30 additional voting members appointed by the Governor.

C. The Speaker of the House of Representatives, the House Minority Leader, the Senate Majority Leader, and the Senate Minority Leader each may designate one member of the Michigan Legislature to participate as nonvoting members of the Commission.

D. In addition to the members appointed under Section I.B and I.C, the State Board of Education President, the Director of the State Budget Office, the Director of the Department of Information Technology, the Director of the Department of Labor and Economic Growth, the State Treasurer, and the State Superintendent of Public Instruction, or their designees, will serve as ex officio, nonvoting members of the Commission.

E. Members of the Commission appointed by the Governor shall serve at the pleasure of the Governor.

F. A vacancy on the Commission shall be filled in the same manner as the original appointment.

#### **II. CHARGE TO THE COMMISSION**

A. The Commission is advisory to the Governor and shall make recommendations to:

1. Build a dynamic workforce of employees who have the talents and skills needed for success in the 21st Century economy.

2. Double the percentage of citizens who attain post-secondary degrees or other credentials that link them to success in Michigan's economy.

3. Improve the alignment of Michigan's institutions of higher education with emerging employment opportunities in the state's economy.

B. In exercising its duties the Commission will examine strategies to:

1. Increase the number of students in Michigan who attain the skills critical to post-secondary success before graduating from high school.

2. Increase the number of Michigan residents who attend post-secondary institutions.
  3. Increase the number of students who successfully complete their post-secondary studies and obtain bachelor's degrees and other credentials relevant to existing and emerging economic opportunities.
  4. Maximize the benefits that higher education brings to Michigan's economy.
- C. The Commission shall provide other information or advice as directed by the Lieutenant Governor.
  - D. The Commission, not later than December 31, 2004, shall complete its work and issue a final report to the Governor for her consideration.
  - E. A copy of the final report shall be transmitted to the Legislature and the State Board of Education.

### III. OPERATIONS OF THE COMMISSION

- A. The Commission may promulgate bylaws, not inconsistent with Michigan law and this Order, governing its organization, operation, and procedures.
- B. The Commission shall be staffed by personnel from and assisted by state departments and agencies as requested by the Lieutenant Governor and directed by the Governor.
- C. The Commission shall meet at the call of the Lieutenant Governor and as may be provided in procedures adopted by the Commission.
- D. The Lieutenant Governor, as chair, may establish workgroups or committees assigning commission members to and inviting public participation on these workgroups or committees as the Lieutenant Governor deems necessary.
- E. The Commission may adopt, reject, or modify recommendations made by the workgroups and committees.
- F. The Commission shall act by majority vote of its present and voting members. A majority of the voting members of the Commission constitutes a quorum for the transaction of business.
- G. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may consult with outside experts in order to perform its duties.
- H. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.
- I. The Commission may hire or retain contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Lieutenant Governor deems advisable and necessary in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.
- J. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.
- K. Members of the Commission, staff, and contractors shall refer all legal, legislative, and media contacts to the Office of the Lieutenant Governor.

### IV. MISCELLANEOUS

- A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Commission.
  - B. Nothing in this Executive Order shall be construed to diminish the constitutional authority of the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963, to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees; to serve as the general planning and coordinating body for all public education, including higher education; and to advise the Legislature as to the financial requirements in connection therewith.
  - C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.
  - D. The invalidity of any portion of this Order shall not affect the validity of the remainder the Order.
- This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 22nd day of June, in the year of our Lord, two thousand four.

Jennifer M. Granholm  
Governor  
By the Governor:  
Terri L. Land  
Secretary of State

The message was referred to the Clerk.

### Introduction of Bills

Rep. Accavitti introduced

**House Bill No. 6040, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2002 PA 534.

The bill was read a first time by its title and referred to the Committee on Transportation.

Rep. Accavitti introduced

**House Bill No. 6041, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1160.

The bill was read a first time by its title and referred to the Committee on Education.

Rep. Accavitti introduced

**House Bill No. 6042, entitled**

A bill to designate an official beverage of this state.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Mortimer, Ehardt, Caswell, Vander Veen, Richardville, Caul, Nofs, Rivet, Stewart and Sak introduced

**House Bill No. 6043, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Gaffney, Tobocman, Farrah, Vander Veen and Pappageorge introduced

**House Bill No. 6044, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227 (MCL 750.227), as amended by 1986 PA 8.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Gaffney, Ward and Stakoe introduced

**House Bill No. 6045, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 22224b.

The bill was read a first time by its title and referred to the Committee on Health Policy.

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Rep. Richardville moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Motions and Resolutions

Reps. Hager, Vander Veen, Voorhees, Bieda, Bisbee, Caswell, Daniels, Ehardt, Emmons, Gielegem, Hummel, Kooiman, Middaugh, Minore, Richardville, Shulman, Spade, Stahl, Tabor, Taub and Tobocman offered the following concurrent resolution:

**House Concurrent Resolution No. 64.**

A concurrent resolution to urge the Family Independence Agency to work closely with the United States Department of Justice to implement recommendations made concerning the operations of the W. J. Maxey Training School.

Whereas, Pursuant to federal law, the Civil Rights Division of the United States Department of Justice conducted a thorough investigation of the conditions at W. J. Maxey Training School at Whitmore Lake. This study, which included

on-site inspections, discussions, and document review, identified significant deficiencies at the facility and called for new measures to bring the Maxey Training School into compliance with federal standards in all areas; and

Whereas, The Justice Department review of conditions at the Maxey Training School uncovered practices that are very troubling. The study found many conditions that must be remedied. Several of the deficiencies put the youthful residents at significant risk. Instead of treatment designed to help residents turn their lives around, certain conditions and practices have been creating a counterproductive atmosphere; and

Whereas, Justice Department investigators found “quite disturbing” uses of restraints, troubling reports of peer restraint practices, excessive use of isolation, inadequate due process in disciplinary cases, inadequate staffing levels, insufficient education programs for residents with disabilities, insufficient fire safety protection, and discrimination against individuals with physical or mental impairments. Conditions for young people in need of special education services and those needing mental health services were found to be especially poor; and

Whereas, While there are clearly difficult challenges in the mission of the Maxey Training School, we must do all we can as a state to ensure that treatment is just and consistent. In addition to the moral and legal obligations involved in this work, ensuring that justice is applied within the facility is in the best interests of the entire state in the long run; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Family Independence Agency to work closely with the United States Department of Justice to implement recommendations made concerning the operations of the W. J. Maxey Training School; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Family Independence Agency, and the W. J. Maxey Training School.

The concurrent resolution was referred to the Committee on Government Operations.

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Rep. Hummel moved that the House adjourn.

The motion prevailed, the time being 4:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 24, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

